

MICHAEL COLIHAN- ATTORNEY AT LAW

44 Court Street
Suite 906
Brooklyn, New York 11201

Phone (718) 488-7788

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The Honorable Marilyn Dolan Go
United States District Court
for The Eastern District for New York
225 Cadman Plaza
Brooklyn, New York 11201

August 20, 2015

RE: Pacheco, et al v the City of NY , et al

14-cv- 07581

Your Honor:

I represent the plaintiffs in this action. As the Court may recall, the incident which was the subject of this complaint took place in a barbershop located in Staten Island owned by the plaintiffs. The police sent in an undercover officer trying to sell a stolen cell phone. He was told by one of the plaintiffs if he was not there to get a haircut he should leave. In the ensuing incident, two of the plaintiffs were arrested and the Staten island D.A.'s office declined prosecution. The third, Michael Pacheco, Sr. was issued a desk appearance ticket for disorderly conduct dismissed at the first appearance. All were injured by the police.

The City has disclosed that it is in possession of a tape recording of the incident which it claims is protected by the " law enforcement privilege". It has not particularized this in any way. I have not been told if the claim is based upon an ongoing investigation, identity of targets of an investigation, etc.

I have tried to resolve this with my adversary Elissa Jacobs, Esq. By calling and sending a copy of this letter substantially the same as this one in advance of sending it to the Court. She has indicated that she feels the matter should be taken up with Your Honor.

I respectfully request the Court require the City to elaborate on its claim of privilege. I also respectfully request the Court conduct an in camera review of said tape. It may very well be that any protected information could be redacted from said tape. I believe a conference on this matter would be beneficial as well.

Thanks for your attention and consideration.

MC/ll

Very Truly Yours,

/s/ This is an electronic signature

cc: Law Department

Michael Colihan